

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, SEPTEMBER 5, 2006, 7:00 P.M.**

The City Council of the City of Leon Valley, Texas, met for a Regular City Council Meeting on the 5th day of September 2006 at 7:00 p.m., at the Leon Valley City Council Chambers, for the purpose of the following business, to-wit:

Call to Order and Pledge of Allegiance.

Mayor Riley called the meeting to order and asked that the minutes reflect that the following members of Council were present: Maloy, Reyna, Semmelmann, Dean and Rangel.

Acting City Manager Brummett, City Secretary Feutz, Community Development Director Smith, Economic Development Liaison Caldera, Police Chief Wallace, Fire Chief Irwin, City Accountant Wallace, and City Attorney Jacobson were also present.

Mayor Riley led the audience in the Pledge of Allegiance.

Consider approval of minutes of the Regular City Council Meeting of August 15, 2006 and the Special Council Meeting of August 29, 2006.

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to accept the minutes of the Regular City Council Meeting of August 15, 2006 and the Special Council Meeting of August 29, 2006 as presented. Upon vote, the motion carried unanimously.

Citizens to Be Heard and Time for Objections to the Consent Agenda.

Mayor Riley asked Council if any member of Council wished for the item on the Consent Agenda to be pulled for further discussion; hearing no one, she asked if anyone in the audience wished to address Council.

Phillip Manea, President of the Leon Valley Area Chamber of Commerce, addressed Council thanking them for giving favorable consideration to a Sign Code variance for a mattress store at a previous meeting. He also encouraged Council to accept the changes to the Sign Code as recommended by the Business Alliance Committee (BAC).

Resident Marcy Meffert addressed Council asking that the Sign Code restrictions be loosened for businesses along Bandera Road during construction on that roadway.

Resident and business owner, Walter Geraghty, addressed Council about the littering in the City, particularly in neighborhoods, and encouraged everyone to adopt an area to police for litter and encouraged enforcement of laws to fine those who litter in the City. He recommended that the back of existing speed limit signs have "do not litter" signs placed on them.

Consent Agenda

Consider Ordinance # 06-032 - Administrative correction to add the Ordinance for Master Sign Plan #06-002 for a Shopping Center located at 7007 Bandera Road, Being Lots 9 and 10, Block 1, CB 4446, Clear Creek Shopping Center Subdivision approved by Council on July 6, 2006.

Although the Master Sign Plan was approved by City Council on June 20, 2006, the Plan must incorporate an ordinance as required by the Sign Code.

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A motion was made by Councilmember Semmelmann, seconded by Councilmember Dean, to approve the Consent Agenda item - Ordinance #06-032. Upon vote, the motion carried unanimously.

Regular Agenda

**Second Public Hearing on the proposed 2006 tax rate of \$.537400 per \$100 valuation,
which is the same tax rate as last year.**

Mayor Riley announced the agenda item title aloud. City Manager Hank Brummett reviewed the proposed tax rate for 2006, the effective tax rate for 2006, and the roll back tax rate for 2006 and explained how those rates were calculated. Mr. Brummett explained that the proposed tax rate was \$.537400, which is the same tax rate as last year. He also stated that the proposed tax rate exceeds the effective tax rate of \$.516199 by \$.021201 and he explained that the tax would increase on an average home in Leon Valley by \$43.51 for 2006.

Mayor Riley opened the public hearing at 7:16 p.m. and invited anyone in the audience to speak to Council on the tax rate. One member of the audience complimented the presentation by the City Manager. Hearing no one else, Mayor Riley closed the public hearing at 7:17 p.m. Mayor Riley reminded everyone that at the next Regular City Council Meeting to be held on September 19, 2006 at 7:00 p.m., in the Council Chambers, the Council would be voting on the 2006 tax rate.

Public hearing to consider Zoning Case #06-371 with attached Ordinance - A request by Alberto Milmo, agent for Milmo Investments, LLC, applicant, to rezone approximately 11.277 acres, from R-1 (Single-Family Dwelling) and R-2 (Two-Family Dwelling) and B-3 (Commercial) to R-3 (Multiple-Family Dwelling) zoning district.

Mayor Riley informed Council and the audience that because there was an error in the publication of this case on the agenda when it was heard by City Council on July 6, 2006, it was recommended by the City Attorney to rehear the case. Community Development Director Smith addressed Council stating that they had been given a late arriving letter from the Northside Independent School District who had written asking to withdraw their opposition to the case. Ms. Smith continued her presentation stating that the zoning case was a request to rezone approximately 11.277 acres at 6300 Grissom Road, from R-1, R-2, and B-3 to R-3 (Multi-family Dwelling) zoning. She reviewed the zoning and land uses of surrounding properties and the history of platting and zoning of the property for this case. Ms. Smith reminded everyone that the decision to approve the rezoning request should be based on whether or not R-3 zoning was appropriate for the area and not on the apartment project proposed by the developer. She stated that the Master Plan encouraged Grissom Road to be maintained as a commercial corridor and R-3 zoning was not specifically addressed for the area. She also noted that the Zoning Code regulations discourage B-3 zoning districts from abutting residential areas. She stated that 19 letters were sent to property owners with nine (9) letters received in favor and four (4) letters received in opposition to the rezoning request, and one of the letters in opposition was from a property owner outside of the two-hundred foot required notification area. She stated that on June 27, 2006, the Zoning Commission recommended approval of the rezoning request by a vote of 4:3.

Representative Patrick Christianson addressed Council stating that four residents from Mill

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Stream Road had indicated that they would support the rezoning change contingent upon the developer providing a wall, landscaping and a non-access easement along Sawyer Road.

Councilmember Maloy asked for clarification that the case was strictly a change in land use, not consideration of a specific project proposed for the property site. She asked staff to confirm if 200 units was the maximum number of units that could be built on the site, and if 200 units were built on the site, would a secondary property access be required for fire safety, and if the developer built 200 units, one acre of land would have to be dedicated as park land or the Council could decide to accept cash from the developer in lieu of the park land dedication. Staff confirmed the Councilmember's statements. Ms. Smith stated that if the developer built more than 200 units on the property a secondary access would be needed and Sawyer Road would probably be the site for that access.

Councilmembers discussed that subsidized apartments or homes could be built on the site if the proposed project was abandoned and the multi-family zoning was approved by Council.

Mayor Riley opened the public hearing at 7:30 p.m. to hear comments from the audience on the rezoning request.

During the public hearing the following audience members addressed Council:

Two representatives for the Milmo Group spoke in favor to the project.

Resident Sam Bates of 6313 Sawyer Road spoke in favor to the project.

Resident Debbie Kingery of 6508 Sawyer Road spoke in opposition to the project.

Resident and business owner Walter Geraghty spoke in favor of the project and encouraged Council to approve the case.

Property owner Ben Miranda spoke in favor of the case.

Pastor Jeff Long of the Lutheran Church of the Resurrection, the property adjacent to the case property, spoke in favor of the rezoning request.

Resident Debbie Kingery again addressed Council asking why the developer cannot be held to building the project as presented.

David Brown, a resident of San Antonio, addressed Council stating that he felt that the City would have additional opportunity to address concerns about the project during the building permit review process and the replatting process.

Hearing no one else, Mayor Riley closed the public hearing at 7:50 p.m.

A motion was made by Councilmember Dean, seconded by Councilmember Rangel, to approve Zoning Case 06-371 as presented. Following discussion, Mayor Riley asked that a roll call vote be taken for this case. The roll call vote was as follows: Councilmember Maloy - against the motion, Councilman Reyna - for the motion, Councilmember Semmelmann - against the motion, Councilmember Dean - for the motion, and Councilmember Rangel announced that he would abstain from voting. Mayor Riley announced that to break the tie vote, she would cast

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her vote in favor of the motion, for the project. The motion carried by a vote of 3 in favor and 2 against the motion.

Public hearing to consider Replat #06-097 - A request by Unitech Engineers, agent for Al Eisman, to replat approximately 2.066 acres of land, being Lots 5, 19, 20, and 36, Block B, CB 4446A, Linkwood Addition Subdivision to new Lot 38.

Community Development Director Melinda Smith addressed Council stating that Replat Case # 06-097 was a request to replat 2.066 acres of retail-zoned property in the Linkwood Addition Subdivision at 7247 Bandera Road. She reported that the plat was in substantial conformance and that staff had no objections to the variance requested to defer sidewalk construction to the building phase of the project. She noted that 13 letters were mailed to property owners within 200 feet of the case site and reported that only one letter was returned as undeliverable and none were received in favor or in opposition to the case.

Mayor Riley opened the public hearing at 7:56 p.m. No one appeared to address council about the case; therefore, Mayor Riley announced that the public hearing was closed at 7:57 p.m.

A motion was made by Councilmember Semmelmann, seconded by Councilmember Dean, to approve Replat Case #06-097 as presented. Upon vote, the motion carried.

Consider M&C # 09-01-06 and attached ordinance - Repealing and replacing Chapter 5 "Signs" of the City Code to create a new Chapter 5 "Signs" and providing for penalties of not less than three hundred and fifty dollars (\$350) or more than two thousand dollars (\$2,000).

Mayor Riley read the agenda headline. Community Development Director Melinda Smith addressed Council stating that in the Fall of 2005, the Business Alliance Committee (BAC) was tasked by City Council to recommend changes to the City Code Chapter 5 "Signs". Staff also proposed revisions to address immediate concerns which were approved by Council in February 2006. Ms. Smith reminded Council that in June 2006, staff had presented Council with the recommendations of both staff and the BAC to address concerns regarding temporary banners, non-conforming signs and bandit weekend signs. To insure that the public was notified that changes were to be made to the Sign Code, Ms. Smith stated that staff posted the information of this meeting in the City newsletter, on postcards sent to residents and published an announcement in the newspaper.

Ms. Smith presented a review of the 1984 Sign Code rules versus the 2003 Sign Code rules and the proposals of the BAC and staff to change rules for temporary signs, special event temporary signs, temporary sign-banners, amortization, and abandoned non-conforming signs.

Ms. Smith recommended approval of the following changes to the Sign Code: allow variances for seasonal businesses to erect temporary signs for 120 days per year in lieu of 30 days per quarter; change temporary sign regulations to include Federal holidays as allowable special event dates; increase the size of allowed temporary banners placed on buildings to 100 square feet; increase the size of temporary banners placed on the property to 50 square feet; remove the amortization regulations at the ninth year; remove the 30-day grace period for non-conforming signs; and allow temporary weekend "bandit" signage for off-premise low-impact advertising.

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Following Council discussion, a motion was made by Councilmember Maloy, seconded by Councilmember Rangel to approve M&C # 09-01-06 with the proposed ordinance as presented by staff. Upon vote, the motion carried. Councilmembers thanked the Business Alliance Committee and staff for their work on the Sign Code.

Consider Ordinance appointing members to the Leon Valley Public Library Board of Trustees, a member to the Zoning Commission, and a member to the Civic Affairs Committee.

A motion was made by Councilman Reyna, seconded by Councilmember Maloy, to approve the Ordinance appointing Patty Dyer and Barbara Mayers to the Library Board of Trustees and Hal Burnside to the Zoning Commission.

City Secretary Feutz informed Council that a member proposed to be appointed to the Civic Affairs Committee had been withdrawn from the proposed ordinance as staff had not been able to confirm the resident's intention to serve on the committee prior to this meeting.

Upon vote, the motion carried.

City Manager's report.

Mr. Brummett informed Council that the purchase price for water rights had increased significantly according to a recent report in the newspaper. He stated that after conferring with the Interim Director of Public Works, he would keep Council informed about changes in the water acquisition situation.

Citizens to be heard.

No one appeared.

Announcements.

Councilmember Rangel announced that he would be off due to hip surgery on September 27th.

Councilmember Semmelmann announced that stormwater regulations should be announced this month.

Councilman Reyna complimented the Business Alliance Committee and staff on their work on the Sign Code.

Councilmember Maloy reminded everyone that Saturday, September 9th was the next Trade & Market Day and invited anyone who was interested in volunteering for the event to contact her.

Mayor Riley announced that the Grandparents' Day Concert would begin at 2:30 p.m. on Sunday, September 10th at the Community Center. She also announced that she had nominated resident Bob Tome to serve as a representative on the Committee of Seven, a committee that deals with drainageway issues. She announced that the City was accepting applications for the City Manager position until September 15th and that Council would be meeting on Sept. 18th to review the applications. She also announced that Council would have a workshop before the September 19th meeting to hear an update from the Texas Commission

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on Environmental Quality and the Environmental Protection Agency on the water contamination plume.

Convene into executive session in accordance with the Government Code, Section 551.071, "Consultation with Attorney" and Section 551.074, "Personnel Matters" to discuss 1) contract terms of former city manager and possible litigation; 2) directing internal investigation of records maintained by former employee and possible litigation.

At 8:25 p.m., Mayor Riley announced that Council would convene into an executive session in accordance with the Government Code, Section 551.071, "Consultation with Attorney" and Section 551.074, "Personnel Matters" to discuss contract terms of former the city manager and possible litigation; and directing an internal investigation of records maintained by a former employee and possible litigation.

Reconvene into open session.

Mayor Riley convened Council back into open session at 8:58 p.m.

Consider discussion and any action as appropriate from executive session.

A motion was made by Councilmember Dean, seconded by Councilmember Semmelmann, to have the City Attorney send a formal letter to former City Manager Rick Cortes, asking for repayment to the City for overpayment of compensation made to him at the time of his resignation. Upon vote, the motion carried. Mayor Riley announced that no action would be taken regarding the second item of the executive session.

Adjourn.

A motion was made by Councilmember Semmelmann, seconded by Councilman Reyna to adjourn the meeting. Upon vote, the meeting adjourned at 9:00 p.m.

Chris Riley
Mayor

ATTEST:

Marie Feutz
City Secretary

City Council voted approval of these minutes at the Regular City Council Meeting on September 19, 2006